

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                      |          |                     |
|--------------------------------------|----------|---------------------|
| <b>GREENWICH TERMINALS LLC and</b>   | <b>:</b> | <b>CIVIL ACTION</b> |
| <b>GLOUCESTER TERMINALS LLC</b>      | <b>:</b> |                     |
|                                      | <b>:</b> |                     |
| <b>v.</b>                            | <b>:</b> | <b>NO. 23-4283</b>  |
|                                      | <b>:</b> |                     |
| <b>UNITED STATES ARMY CORP OF</b>    | <b>:</b> |                     |
| <b>ENGINEERS, DISTRICT</b>           | <b>:</b> |                     |
| <b>COMMANDER FOR THE</b>             | <b>:</b> |                     |
| <b>PHILADELPHIA DISTRICT OF THE</b>  | <b>:</b> |                     |
| <b>ARMY CORPS OF ENGINEERS,</b>      | <b>:</b> |                     |
| <b>JEFFREY BEEMAN, and THE CHIEF</b> | <b>:</b> |                     |
| <b>OF THE REGULATORY BRANCH</b>      | <b>:</b> |                     |
| <b>FOR THE PHILADELPHIA</b>          | <b>:</b> |                     |
| <b>DISTRICT OF THE ARMY CORP OF</b>  | <b>:</b> |                     |
| <b>ENGINEERS, TODD A. SCHAIBLE</b>   | <b>:</b> |                     |

**ORDER**

**AND NOW**, this 28<sup>th</sup> day of October 2024, upon studying Defendants' Motion for summary judgment (ECF 28-1), Plaintiffs' cross-Motion for summary judgment (ECF 29), the responses, confirming no genuine issues of material fact, extended oral argument (ECF 40, 42), for reasons in today's accompanying Memorandum, and for good cause, it is **ORDERED** we **DENY** Defendants' Motion for summary judgment (ECF 28-1) and **GRANT** Plaintiffs' cross Motion for summary judgment (ECF 29) requiring we:

1. Enter **JUDGMENT** in favor of Plaintiffs Greenwich Terminals LLC and Gloucester Terminals LLC ) upon finding the August 4, 2022 404/10 permit and 408 approval issued by the District Commander based on recommendations of the Philadelphia District of the United States Army Corps of Engineers are **UNLAWFUL** and must be **SET ASIDE** consistent with Congress's mandate in 5 U.S.C. § 706(2);
2. **DISMISS** Plaintiffs' other requested relief concerning the permit and authorization as moot other than granting Plaintiffs leave to petition for reimbursement of their costs of suit

including reasonable attorney's fees compliant with our Policies and to the extent authorized by Law within thirty days of a final Order; and,

3. **DIRECT** the Clerk of Court shall **close** this case.



The image shows a handwritten signature in black ink, which appears to read "John C. Kearney, Jr.". Below the signature, the name "KEARNEY, J." is printed in a standard, sans-serif font.